1. Call to Order

Chairperson Thomson called the meeting to order at 7:01 p.m.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Vice Chairperson Russell White, Councilors Frank Dennett, Charles Denault, Jeffrey Pelletier, Judy Spiller and Kenneth Lemont.

5. Agenda Amendment and Adoption – None.

6. Town Manager's Report

Town Manager Puff presented an update on the sewer project. She noted that the reclaiming and paving process will begin on August 31st, weather permitting, on Martin Road. It should take about two days to grind and shape the road and the grading and base paving should be completed by the end of September. After Martin Road is completed, Manson Road will be done next in the same fashion. All remaining roads will be trench paved with 2.5 inches of base pavement brought to the road grade for the winter. Final paving will occur in the spring. She added that access will be available around the work areas as needed and the crews are continuing cleanup operations. Throughout September, lawns will be loamed, graded, seeded and mulched. Curbing and sidewalks will also be repaired or replaced as needed, as will mail boxes and light poles. They will be looking at bushes and trees to determine damage from the construction process.

Town Manager Puff commented that Maine DOT will be conducting final paving operations on Rogers Road on the evening of Thursday, August 19th. She added that they are wrapping up the development of the Athletic Fields Master Plan and hope to present it to Council in the near future. The 2015 round of Land and Water Conservation Fund grants is this fall and they hope to be able to apply.

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Town Manager Puff stated that the Brownfields conference is in Chicago next week. This is part of the Wood Island Project. All of her time spent at the conference is covered in the grant. Additionally, staff time will be matched in kind to the project. Town Manager Puff added that they had received Kittery's annual letter from the MMA that attributes Kittery's good experience and worker's compensation experience. As a result, they received an \$8,871 refund check. She noted that she and the Finance Director are working on the bond issue and they are going out and selling bonds as of September 1st. They had their ratings call today and Kittery has an AA+ rating which is an excellent place to be for the size of the Town.

Town Manager Puff commented on the timing of the lights on the Sarah Long Bridge and the new intersection. She noted that the lights are not currently coordinated with the intersection and the bridge. Additionally, when the bridge is lifting, there are long traffic backups. She added that hopefully when the bridge is done, the lights will be timed better and the bridge will be higher so it will lift less often. She is planning on asking the State to improve the timing.

Town Manager Puff noted Kittery is the host community for the ship Annapolis. Lee Perkins is leading the Town's effort to host the boat and they are holding a cookout on August 25th for the crew and their families at Fort Foster.

7. Acceptance of previous minutes -8/10/2015

The minutes of 8/10/2015 were accepted as amended.

- 8. Interviews for the Board of Appeals and Planning Board None.
- 9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials

Chairperson Thomson announced that there are a total of 405 Fire Departments in the State of Maine and only 24 of those departments have certified fire chiefs. Of those 24 departments, only 8 (or 2%) have a Level 3 certification. Kittery Fire Chief David O'Brien achieved Level 3 certification last month. Chairperson Thomson congratulated Chief O'Brien and presented him with an award.

(080215-1) The Kittery Town Council moves to authorize an alternative procurement method in accordance with Title 3 Section 3.2.7 of the Kittery Town Code to award a contract to Dayton Sand and Gravel for road paving.

Norm Albert, Director of Public Works, approached the podium to give a short presentation and answer questions from the Council. He stated that he did not like the

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performance of the previous company so he switched to Dayton S&G and has been with them for seven years. He has received a price and estimate to start and plans on moving forward. He noted that if we choose to do the bid route, they would not be able to start paving this year. He contacted other Towns to see who they use for the service and reached out to some of their companies. He has received responses from eight companies and five quotes. Chairperson Thomson asked for clarification on the quote list that Mr. Albert provided and asked if Dayton S&G was the cheapest in terms of net cost. Mr. Albert explained the list and confirmed that Dayton S&G is the cheapest of the five quotes for net cost. Town Manager Puff commented that Dayton S&G's prices are good and they come in lower on a per ton basis.

Councilor Pelletier noted that a quote is not a bid, it's an estimate and the bid price could be higher or lower than the quote once they look at the actual roads. Councilor Dennett asked what the scope of the work is and Town Manager Puff responded that the list of work was shown in the workshop. Councilor Dennett then asked if it would eat up the bond and if they were at the mercy of the contractor to properly account for the project. Mr. Albert replied that it would not eat up the bond and that someone from the Town would be at the site checking slips. Councilor Dennett noted that they would need to produce a bond and Mr. Albert informed him that Dayton S&G would do that at their expense.

Councilor Dennett asked if a contract was in place yet and Town Manager Puff commented that they would use a standard Town of Kittery contract as a base. Councilor Dennett commented that the asphalt paving price is based on the price of oil products. Mr. Albert responded that the bid is good until 2016. Councilor Denault asked when Mr. Albert received the quotes and he responded that he sent out a request last Monday and received the last response on Friday. Councilor Denault added that oil prices do have an impact on the total cost. Mr. Albert commented that they are currently buying hot top at twice the price of what Dayton could buy it and lay it down for.

CHAIRPERSON THOMSON MOVED TO AUTHORIZE AN ALTERNATIVE PROCUREMENT METHOD IN ACCORDANCE WITH TITLE 3 SECTION 3.2.7 OF THE KITTERY TOWN CODE TO AWARD A CONTRACT TO DAYTON SAND AND GRAVEL FOR ROAD PAVING. COUNCILOR SPILLER SECONDED THE MOTION.

Councilor Dennett commented that he would vote in favor of the motion this time but next time they should not wait until the last minute and have the process done correctly.

A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

10. PUBLIC HEARINGS

a. (080215-2) The Kittery Town Council moves to hold a public hearing and hereby ordains an ordinance to authorize Town Council to issue bonds not to exceed \$275,000 to help the Kittery Land Trust to finance the Brave Boat Harbor Headwaters Preserve. Subject to approval at a town referendum Election to be held on November 3, 2015.

Chairperson Thomson opened the public hearing.

Christine Bennett, Executive Director of the Kittery Land Trust, approached the podium to discuss the project. She noted that there are seven parcels of land and five landowners. The preserve promises to be one of the most fully accessible public reserves. She commented that the area is remote, has a unique geology and ecology, and is home to rare and endangered species. The site would be accessible to all ages and abilities (including handicap) and would link the Rachel Carson preserve to the Norton preserve. She added that this would be a great opportunity for the Kittery schools to encourage outdoor learning opportunities. There would also be other passive recreation on the site and other land uses such as hunting and forestry.

Craig Wilson of Charles Hill Road approached the podium to express his support for the project. Mr. Wilson has been on the Kittery Open Space Advisory Committee for about 10 years. He commented on the iconic view of Brave Boat Harbor on the property and noted his support of the idea of protecting that view for the future. He noted that York spent \$280,000 to preserve their iconic views. He added that this project will protect 150 acres.

Blayne Matty of Charles Hill Road approached the podium to express her support for the project. Ms. Matty is a teacher in the Kittery Public Schools and a member of the PTA. She commented on a time when the school lent snowshoeing equipment for kids to use on the land when they would otherwise not have the chance to do so. She wants kids to learn and be connected to the land in meaningful ways.

Jennifer Thayer of Martin road approached the podium in support of the project. Ms. Thayer works at Shapleigh Middle School and believes that hands on learning is very engaging. She believes that the Town would benefit from the use of the property and possibility of an outdoor classroom. She commented that outdoor learning bolsters grades. She supports the preservation of the land for the benefit of the children.

Bill Paarlberg of Bartlett Road and a long time member of the Kittery Land Trust approached the podium and stated that it is not clear whether or not it is the Town's responsibility to get behind the project but he thinks that they should. He gave an example of

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how Hampton has changed as a town since he grew up there and encouraged the Council to consider this their job and put the bond out to the public.

Suzanne Johnson of Cromwell Street came to the podium to discuss the aspect of hunting on the property. She commented that it is not a good idea to teach children about killing as a means of control and encouraged the Council to take hunting out of the proposed land activities.

Michael Landgarten of Haley Road approached the podium and commented that he is more often associated with development than the preservation of land but that he is excited about this project. He believes that this is a golden opportunity to enhance the fullness of the experience of Kittery and this is a choice that the voters should make.

Sandra Rux of Pepperrell Road approached the podium to comment that she would like this to be on the ballot. She commented that, as a historian, she finds it exciting to preserve a historic and archaeological site. She added that this project would preserve the view and provide educational opportunities for children.

Alex Dearborn of Captain's Way came to the podium in support of the project. Mr. Dearborn is a volunteer of the Kittery Land Trust and sees the project as an opportunity for the Town to raise money to pay for a small portion of the total amount of the cost of the project. He added that the money being asked for is a small portion of the total cost and that it will bring back big dividends, especially because it is in a watershed area that we need to preserve.

Roger Cole of Brave Boat Harbor Road encouraged the Council to bring this before the voters. He commented that the project has significant leverage because when something has merit everyone wants to be a part of it. Mr. Cole added that the Federal Government is offering \$400,000 towards the project and experts agree that this project is worth putting money towards. He commented that the project is leveraging private funding as well. The project started out at 60 acres and has more than doubled in size. He stated that Kittery cannot not do this and must keep in mind the cost of projects to communities.

Karen Kalmar of Brave Boat Harbor Road approached the podium to ask if Chairperson Thomson would ask the audience to raise their hands if they are in support of the project. Chairperson Thomson did so and almost the entire audience raised their hands.

Chairperson Thomson closed the public hearing.

CHAIRPERSON THOMSON MOVED TO AUTHORIZE THE TOWN COUNCIL TO ISSUE BONDS NOT TO EXCEED \$275,000 TO HELP THE KITTERY LAND TRUST TO FINANCE THE BRAVE BOAT HARBOR HEADWATERS PRESERVE. SUBJECT

TO APPROVAL AT A TOWN REFERENDUM ELECTION TO BE HELD ON NOVEMBER 3, 2015. COUNCILOR SPILLER SECONDED THE MOTION.

Councilor Denault asked Ms. Bennett if the proposed use of the property would be subject to change. Ms. Bennett asked if he had one specific use in mind and Councilor Denault commented that one of his constituents was concerned about hunting being restricted in the future. Ms. Bennett responded that this is intended to be a multiple use property and hunting is one of those uses. There will be clear signage and the rules will be similar to all other preserves in accordance with local laws. Councilor Denault asked about the use of snowmobiles as well. Ms. Bennett stated that since they are receiving support from a state-run bond, the property must be open for all recreational use. She added that they cannot deny hunting. Councilor Denault read the wording of the bond aloud and commented that the intent is spelled out in the bond. He then stated that Rachel Carson allows hunting so this should be no different.

Councilor Denault asked to clarify Mr. Cole's comments about the project receiving \$400,000 in funding. Ms. Bennett confirmed that they have actually received over \$1 million. Councilor Denault asked what would happen if the federal and state bonds do not come through. Ms. Bennett responded that the federal funds are already in hand and the state funds are currently delayed but that they have \$1.2 million committed in hand which has already been allotted.

Councilor Lemont commented on his admiration of the Kittery Land Trust and asked if the project would happen without the bond in question. Ms. Bennett responded that partnering with the Town will bring them toward completion of the project and helps give them leverage for additional funds. Councilor Lemont asked if they had applied for a grant from Maine's Futures and Ms. Bennett responded that they had and that they were ranked the #1 regional project statewide.

Councilor Dennett commented that voters will decide on the bond but not all the taxpayers will because they do not all vote. He added that he would not be voting in favor of this motion and that his opposition is a matter of money. He stated that the cost of the principal and interest is around \$375,000 and the Town already has an outstanding bond for Russell Wood Farms which they have only paid \$4,000 of interest towards. He commented that this will only stop when people stop asking and people will continue to ask as long as it is given to them. He is in favor of transferring the money because it is already in hand but objects to putting the taxpayers on the hook for the next 20 years. Councilor Lemont asked for clarification on the \$75,000 transfer.

A ROLL CALL WAS TAKEN. MOTION PASSED 6-1 WITH COUNCILOR DENNETT IN OPPOSITION.

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b. (080215-3) The Kittery Town Council moves to hold a public hearing in accordance with Section 6.09 (4) of the Kittery Town Charter and hereby ordains to transfer appropriations between accounts and carry forward requests.

Chairperson Thomson opened public hearing and hearing none closed it.

CHAIRPERSON THOMSON MOVED TO APPROVE THE TRANSFER OF THE GENERAL FUNDS IN THE TOTAL AMOUNT OF \$144,250.00. COUNCILOR PELLETIER SECONDED THE MOTION.

Councilor Denault asked about the relevance of the transfer and Chairperson Thomson responded that at the end of the fiscal year they need to balance accounts. Some things come in over budget so they need to move the money. Councilor Denault asked if they were staying on top of the issue of burned out streetlights and Town Manager Puff said that she would get a report.

A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

CHAIRPERSON THOMSON MOVED TO APPROVE OTHER FUNDS TRANSFERS TO CLOSE OUT ACCOUNTS IN THE TOTAL AMOUNT OF \$3,562.61. VICE CHAIRPERSON WHITE SECONDED THE MOTION.

A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

CHAIRPERSON THOMSON MOVED TO APPROVE THE INTER-FUNDS TRANSFERS IN THE TOTAL AMOUNT OF \$45,721.00. COUNCILOR PELLETIER SECONDED THE MOTION.

A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

CHAIRPERSON THOMSON MOVED TO APPROVE THE OTHER FUNDS TRANSFER TO CLOSE OUT ACCOUNTS IN THE TOTAL AMOUNT OF \$3,910.07. COUNCILOR PELLETIER SECONDED THE MOTION.

A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

CHAIRPERSON THOMSON MOVED TO APPROVE THE CARRY FORWARDS IN THE TOTAL AMOUNT OF \$1,730.00. COUNCILOR PELLETIER SECONDED THE MOTION.

Councilor Denault asked the Town Manager how many unsettled union contracts remained and how long the negotiations had been going on. Town Manager Puff responded that there are two units outstanding and the negotiations started in January 2014.

A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

11. DISCUSSION

a. Discussion by members of the public

Suzanne Johnson approached the podium to ask whether her letter of concern regarding the Rice Public Library was received by the Library Committee members and to discuss the plans for the Hampton Inn Hotel on Route 1. She commented that the poison used by the hotel kills or severely injures birds. She has information on non-lethal alternatives to the poison. She added that she would like the hotel to pay for trash removal for the citizens of Kittery. She then commented that travelers often bring pets with them and the mall outlet area is not a place to relieve your pet or companion animal.

George Dow approached the podium to reinforce the open space committee. He commented that the Town turns to the Kittery Land Trust to preserve open spaces and it is time that the community start funding those projects ourselves. He stated that the Town's good bond rate keeps interest low but that we are better served putting monies into CIP and starting to look at getting funding other than in bonds. He suggested that we fund CIP so we can incorporate costs and not go out to bond.

c. Chairperson's response to public comments

Chairperson Thomson informed Ms. Johnson that they had received her letter and that she should have received a response from the Director of the Library. He added that the work of the Library Committee is not within the scope of her letter. Ms. Johnson responded that it would not harm the Committee to read her letter. Town Manager Puff commented that she had forwarded the letter to Lee Perkins who responded to it.

12. UNFINISHED BUSINESS – None.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition – None.

b. (080215-4) The Kittery Town Council moves to approve the disbursement warrants.

CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSEMENT WARRANTS IN THE TOTAL AMOUNT OF \$457,587.78. COUNCILOR SPILLER SECONDED THE MOTION.

A VOICE CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

c. (080215-5) The Kittery Town Council moves to approve a renewal application from Delta Amusement Inc., 182 State Road, Kittery, for a Malt, Spirituous and Vinous Liquor License for the Navy Yard Bar & Billiard, 182 State Road.

COUNCILOR SPILLER MOVED TO APPROVE THE RENEWAL APPLICATION FROM DELTA AMUSEMENT INC., 182 STATE ROAD, KITTERY, FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE NAVY YARD & BILLIARD, 182 STATE ROAD. CHAIRPERSON WHITE SECONDED THE MOTION.

A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

d. (080215-6) The Kittery Town Council moves to approve a renewal application from The Cajun Lobster LLC, 90 Pepperrell Road, Kittery Point, for a Malt, Spirituous and Vinous Liquor License for The Cajun Lobster, 90 Pepperrell Road.

COUNCILOR PELLETIER MOVED TO APROVE A RENEWAL APPLICATION FROM THE CAJUN LOBSTER LLC, 90 PEPPERRELL ROAD, KITTERY POINT, FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE CAJUN LOBSTER, 90 PEPPERRELL ROAD. COUNCILOR SPILLER SECONDED THE MOTION.

Councilor Lemont asked when their licenses expires. Town Clerk Maryann Place responded that they currently have a temporary license from the State while they are waiting for their license to be renewed locally.

A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

e. (080215-7) The Kittery Town Council moves to appoint Maryann Place as Acting Town Manager from September 1st through the 3rd during the Town Manager's attendance at the Brownfield Conference.

CHAIRPERSON THOMSON MOVED TO APPOINT MARYANN PLACE AS ACTING TOWN MANAGER FROM SEPTEMBER 1ST THROUGH THE 3RD DURING THE TOWN MANAGER'S ATTENDANCE AT THE BROWNFIELD CONFERENCE. COUNCILOR PELLETIER SECONDED THE MOTION.

Chairperson Thomson asked Ms. Place if she was assuming these duties on her own free will to which she replied that she is.

A VOICE CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

f. (080215-8) The Kittery Town Council moves to schedule a public hearing on an amendment to Section 2.14 and 6.06 of the Kittery Town Charter for the November 3, 2015 Election.

Chairperson Thomson commented that these amendments have already been approved at the last election but the results are not valid because of the low turnout.

CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 14, 2015 ON AN AMENDMENT TO SECTION 2.14 AND 6.06 OF THE KITTERY TOWN CHARTER FOR THE NOVEMBER 3, 2015 ELECTION. COUNCILOR PELLETIER SECONDED THE MOTION.

A VOICE CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

g. (080215-9) The Kittery Town Council moves to schedule a public hearing in accordance with Section 6.11 (2) of the Kittery Town Charter, on a multi-year license between the York Water District and the Town of Kittery, for communications equipment to be located on a tower at Mt. Agamenticus.

CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 14, 2015 IN ACCORDANCE WITH SECTION 6.11 (2) OF THE KITTERY TOWN CHARTER, ON A MULTI-YEAR LICENSE BETWEEN THE YORK WATER DISTRICT AND THE TOWN OF KITTERY, FOR COMMUNICATIONS EQUIPMENT TO BE LOCATED ON A TOWER AT MT. AGAMENTICUS. COUNCILOR PELLETIER SECONDED THE MOTION.

Councilor Dennett commented that this is a complex issue and the report must be accurate and complete.

A VOICE CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

h. (080215-10) The Kittery Town Council moves to allocate \$75,000 from the Open Space Reserve Fund to the Kittery Land Trust which shall be matched by at least \$1,200,000 in Federal and State funds and other contributions, for the purpose of partially funding the creation of the Brave Boat Headwaters Preserve.

Chairperson Thomson commented that there is approximately \$83,500 in the account which has already been appropriated.

COUNCILOR SPILLER MOVED TO ALLOCATE \$75,000 FROM THE OPEN SPACE RESERVE FUND TO THE KITTERY LAND TRUST WHICH SHALL BE MATCHED BY AT LEAST \$1,200,000 IN FEDERAL AND STATE FUNDS AND OTHER CONTRIBUTIONS, FOR THE PURPOSE OF PARTIALLY FUNDING THE CREATION OF THE BRAVE BOAT HEADWATERS PRESERVE. VICE CHAIRPERSON WHITE SECONDED THE MOTION.

Councilor Lemont asked why they were not giving all \$83,500 that is in the account to the Kittery Land Trust. Town Manager Puff responded that they only asked for \$75,000.

A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSED 7-0.

14. COUNCILOR ISSUES OR COMMENT

Councilor Denault commented that he received a complaint of a sign on Government Street that is blocking the view of the road. The complaint was made to the Code Enforcement Officer and nothing has been done about it. He also noted that he received a call from a concerned citizen about traffic on Wyman Avenue which is being addressed by the Town Manager. He then commented on Mr. Dow's plans and ideas during his time on the Council and asked why they were never enacted. Councilor Denault requested an update on the Fire Department insurance and the grass from Gillette Stadium. He added that Mark Gerrish had passed away.

Councilor Lemont congratulated Chief O'Brien and noted that he also received complaints about people driving both ways during a posted one-way only time frame on Wyman Avenue. He thanked Chairperson Thomson for scheduling a workshop with the Port Authority on September 21st to discuss who the Harbormaster answers to. Councilor Spiller commented that for the Port Authority workshop she would like a report on the use and revenue from the transient pier. She thanked the Land Trust for their work on the Brave Boat Harbor project. Vice Chairperson White thanked the Open Space Committee for their work

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chairperson Thomson confirmed the workshop on September 21st at 6:00 p.m. and noted that Portsmouth City Hall held a meeting last Friday regarding the discussion of a possible high speed passenger ferry between Portsmouth and Provincetown. He noted that both communities have fall film festivals and this would help people get to the cape without sitting in traffic. Chairperson Thomson added that they were working on a summit meeting scheduled for November 4th at the Star Theater in the KCC involving the J-1 visa program. He noted that Kittery has close to 200 students here working on J-1 work or travel visas and the number will continue to rise with the new hotel. One of the issues is housing for the students.

- b. Committee Reports None
- 16. EXECUTIVE SESSION None.

17. ADJOURNMENT

COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY CHAIRPERSON THOMSON WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:41 P.M.